

Charles W. Hingle, #1947
Shane P. Coleman, #3417
Jason S. Ritchie, #7442
Holland & Hart LLP
401 North 31st Street
Suite 1500
P.O. Box 639
Billings, MT 59103-0639
Telephone: (406) 252-2166
Facsimile: (406) 252-1669

Attorneys for Hyundai Motor Finance Co.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

INCREDIBLE AUTO SALES, LLC,)	Bankruptcy No. 06-60855-RBK
)	
Debtor.)	<u>MOTION FOR RULE 2004</u>
)	<u>EXAMINATION</u>
)	<u>AND NOTICE</u>
)	

Pursuant to F.R.B.P. 2004, the undersigned respectfully requests the Court to order an examination as follows:

1. Witness to be examined: Nick Gutierrez
2. Date: December 20, 2006
3. Time: 9:00 a.m.
4. Place: Holland & Hart, LLP
401 North 31st Street, Suite 1500,
Billings, MT 59101
5. Scope of examination:
 - A. Operations, ownership, assets, liabilities, and finances of the Debtor.
 - B. Lien payoffs on trade-in vehicles.
 - C. Post-Petition transactions between the Debtor and Incredible Chevrolet.

- D. Documentation of vehicle sales, including deal jackets and funding information.
 - E. Documentation of Debtor's vehicle flooring through Hyundai Motor Finance Company and through any other lender since January 1, 2006.
6. Documents to be produced:
- A. All documents related to Debtor's purchase of vehicles floored by Hyundai Motor Finance Company since January 1, 2006.
 - B. All documents related to lien payoffs on trade-in vehicles.
 - C. All documents related Post-Petition transactions between the Debtor and Incredible Chevrolet.
 - D. All documents related to ownership of Debtor and Incredible Chevrolet and related to transfer of ownership interests since January 1, 2006.
 - E. All documents related to purchases of those vehicles from the auto auctions that are the subject of the pending adversary proceedings.
7. Time, Date and Place of Production (if different from examination): same as examination
8. Movant's Calculation of Mileage pursuant to F.R.B.P. 2004(e): 5 miles at 44½ cents per mile.
9. The undersigned has contacted Debtor's counsel, Clarke Rice and Bill Needler, who advised that they do not oppose this Motion and do not object to Mr. Gutierrez producing the documents described herein without a subpoena duces tecum pursuant to F.R.B.P. 9016.

NOTICE TO DEBTORS

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The objecting party shall schedule the hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

This contested matter shall be scheduled for hearing for the next hearing date scheduled in the division within which the case is filed. The date, time, and location of the hearing can be obtained from the Clerk of Court or from the Court's website at www.mtb.uscourts.gov. In the event such scheduled

hearing date is thirty (30) days beyond the filing date of the motion for relief, then a preliminary hearing within such thirty (30) day period shall be scheduled by the responding party after such party contacts the Clerk of Court to confirm the preliminary telephone hearing date and time, which shall be set forth in the response.

If you fail to file a written response to the above Motion to Modify Stay with the particularity required by Mont. LBR 4001-1(b), and request a hearing, within ten (10) days of the date of this Notice, with service on the undersigned and all parties entitled to service under all applicable rules, then your failure to respond or to request a hearing will be deemed an admission that the motion for relief should be granted without further notice or hearing.

Dated this 13th day of December, 2006.

/s/ Shane P. Coleman

Shane P. Coleman
Holland & Hart LLP
401 North 31st Street, Suite 1500
P.O. Box 639
Billings, MT 59103-0639

Attorneys for Hyundai Motor Finance Co.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 13th day of December, 2006, a copy of this motion was served upon counsel of record by the following method:

2, 3, 4, 5,
6, 7, 8, 9,
10 & 11

CM/ECF

_____ Hand Delivery

1 _____ Mail

_____ Overnight Delivery Service

_____ Fax

_____ E-Mail

1. Clarke B. Rice
2951 King Avenue West
Billings, MT 59102
2. William L. Needler
William L. Needles and Associates
555 Skokie Blvd., Ste. 500
Northbrook, IL 60062
3. Neal Jensen
U.S. Trustee
Liberty Center, Ste. 204
301 Central Avenue
P.O. Box 3509
Great Falls, MT 59403
4. Bruce F. Fain
Murphy, Kirkpatrick & Fain, P.L.L.P.
208 North Broadway, Suite 208
P.O. Box 429
Billings, MT 59103-0429
5. Christopher P. Birkle
Lovell Law Firm, P.C.
175 North 27th Street, Suite 1206

P.O. Box 1415
Billings, MT 59101

6. James A. Patten
Patten, Peterman, Bekkedahl & Green, P.L.L.C.
2817 2nd Avenue North, Suite 300
Billings, MT 59101
7. Doug James
Moulton, Bellingham, Longo & Mather P.C.
27 North 27th Street, Suite 1900
P.O. Box 2559
Billings, MT 59103-2559
8. Ross Richardson
P.O. Box 399
Butte, MT 59703
9. Christian T. Nygren
Milodragovich, Dale, Steinbrenner & Nygren P.C.
620 High Park Way
P.O. Box 4947
Missoula, MT 59806-4947
10. Jeffrey N. Rich
Kirkpatrick & Lockhart Nicholson Graham LLP
599 Lexington Avenue
New York, NY 10022-6030
11. Alan C. Bryan
Crowley, Haughey, Hanson, Toole
& Dietrich, P.L.L.P.
P.O. Box 2529
Billings, MT 59103-2529

/s/ Shane P. Coleman